

REMARKS

Claims 1 and 2 were pending and previously considered allowable. Allowability of said claims was withdrawn and claim 1 and 2 were rejected. Claim 1 has been amended, claim 2 has been cancelled and new claims 11 to 14 have been added. Claims 1 and 11 to 14 are currently pending in the application following entry of the herein amendment. Reconsideration and allowance of the application is requested in view of the above changes and the following remarks.

Claim 1 has been rejected as anticipated by Cooper (US Patent 5,174,877). It is respectfully submitted that Cooper does not disclose a catalyst hopper at column 3, line 29-30 or elsewhere in the document. It is also submitted that Figure 2c and column 7, line 1-2 of Copper discloses an array of vessels and not a vessel with multiple compartments.

In an effort to advance prosecution and clearly distinguish claim 1 from the prior art, claim 1 has been further amended to add more structure to the claim. Support for the amendments to claim 1 can be found on for example page 5 lines 22 to 24 of the description and figure 3 as filed. It is noted that Cooper does not disclose a mixing vessel connected to a holding tank, catalyst hopper and treatment vessel as described in currently amended claim 1.

It is submitted that claim 1 is therefore clearly novel with respect to Cooper and withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

The disclosure of Baron (WO 99/61075) (which was not considered by the Examiner as novelty destroying in the last office action) lacks numerous features of amended claim 1 and does not remedy the deficiencies of Cooper. Baron was cited only as allegedly showing a tray 208 for holding contaminated items and distribution means 702 for circulating a carrier medium. It is respectfully submitted that even that is incorrect. 208 is merely a drip tray, and 702 is a conveyor for produce to be sterilized. Thus any combination of Baron and Cooper would not result in all the features of claim 1 as now presented.

Claim 2 has been rejected under 35 USC 103(a) as being unpatentable over Cooper and in further view of Baron. Claim 2 has been cancelled, mooted the rejection to this claim.

It is respectfully submitted that the subject matter of claim 1 as amended is now distant from the disclosure of Cooper.

Claims 11 to 14 have been added, although part of the subject matter of these claims was previously presented in claims 5 and 6, these new claims now include all the features of claim 1 as now presented. Support for claim 11 can be found on for example page 25 lines 12 to 16; support for claim 12 can be found on for example page 6, lines 13 to 20; support for claim 13 can be found on for example page 22, lines 13 to 18 of the description as filed; and support for claim 14 can be found on for example page 10, lines 4 to 20 as filed.

Applicant considers the new dependent claims as being particularly inventive. For example, claim 13 requires that one of equipment and instruments are treated. The apparatus and method of Cooper is not suitable to hold said contaminated equipment and instruments, nor maintain them stationary (new claim 14) whilst in use – rather it includes numerous moving parts adapted to break up solids.


Cooper discloses a sewage treatment apparatus. In contrast, present claim 13 is now directed to the field of treating equipment and instruments, such as surgical equipment. It is respectfully submitted therefore that the ordinarily skilled person attempting to treat equipment such as surgical equipment, would not look to a disclosure concerned with a sewage plant. Thus it is submitted that Cooper is non-analogous prior art as it is in a distinct field of endeavor. Even if the ordinarily skilled person did consider Cooper, it is considered that it is simply not suitable for such use, being a sewage works, and so one of ordinary skill in the art would not have modified the disclosure therein.

All claim amendments and cancellations are without prejudice to the filing of continuation applications.

The claims are believed to be in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

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